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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON
OF DEPLTY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Gloria K. Owen

Plaintiff,

v.

West Travel, Inc. and Alaska Sightseeing/Cruise West Co. d/b/a Cruise West,

Defendant.

No.C03-0659

COMPLAINT

Plaintiff, Gloria K. Owen, alleges as follows:

NATURE OF THE ACTION

This action arises under the Fair Labor Standards Act ("FLSA") 29 U.S. C.
 \$ 201 et seq.

JURISDICTION AND VENUE

2. Jurisdiction arises under both the jurisdictional provisions of the FLSA § 29 U.S.C. § 216(b), and under 28 U.S.C. § 1331.

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3. Venue is proper in this judicial district under 28 U.S.C. § 1391. A substantial part of the events and omissions giving rise to the claim occurred in this judicial district. Defendants are doing business and have their principal place of business within this judicial district.

PARTIES

- 4. Plaintiff, Gloria K. Owen, is a resident of the State of Oregon, and was employed aboard defendants' vessels, the M/V SPIRIT OF COLUMBIA and the M/V GLACIER BAY, between the period of on or about April 1999 through October 2001. At all material times plaintiff was an "employee" of defendants within the meaning of 29 U.S.C. § 203.
- 5. Defendants West Travel, Inc. and Alaska Sightseeing/ Cruise West Co. are doing business in the State of Washington and their principal place of doing business is within King County, Washington. At all material times defendants were "employer(s)" engaged in "commerce" within the meaning of 29 U.S.C. § 203.

FACTS

- 6. Defendants employed plaintiff under an oral contract.
- 7. Plaintiff usually worked in excess of 40 hours per week ("overtime").

 More specifically, plaintiff typically worked 12 or more hours per day, 7 days a week.
- 8. For work performed in excess of 40 hours per week, defendants did not pay plaintiff, compensation at a rate not less than one and one-half times the "regular rate" at which she was employed within the meaning of 29 U.S.C. § 207(a)(1).

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CAUSE OF ACTION - VIOLATION OF 29 U.S.C. § 207(a)(1)

- 9. Plaintiff re-alleges and incorporates by reference as though set forth completely herein, all of the foregoing allegations.
- 10. For the purposes of her Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq., claim, plaintiff is not an exempt employee under any of the exemptions stated under the statute.
- 11. Defendants did not pay plaintiff compensation for work performed in excess of 40 hours per week at a rate not less than one and one-half times the "regular rate" at which she was employed. Defendants' failure to so compensate plaintiff violated 29 U.S.C. § 207(a)(1).
- 12. Defendants' failure to pay overtime to plaintiff in violation of 29 U.S.C. § 207(a)(1) was willful and not in good faith.

PRAYER

Plaintiff Gloria K. Owen prays for relief as follows:

- (a) For judgment against defendants for unpaid overtime wages in an amount to be proven at trial; and for an additional equal amount as liquidated damages, attorneys fees and costs pursuant to 29 U.S.C. § 216(b);
 - (b) For pre-judgment and post-judgment interest;
 - (c) For the costs of maintaining this suit; and,
- (d) For an award to plaintiffs of any other relief this Court deems equitable and just.

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DATED this L day of March, 2003. Anthony J. Attorney for Plaintiff day of March, 2003. DATED this Attorney for Plaintiff

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Anthony J. Ginster Attorney At Law 225 – 106th Avenue N.E. Bellevue, WA 98004 (425) 462-8240 SJS 44 (Rev. 3/99)

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The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS GLORIA K. OWEN			DEFENDANTS WEST TRAVEL, INC. and ALASKA SIGHTSEEING / CRUISE WEST d/b/a CRUISE WEST					
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)			NOTE ON LAND	(IN U.S. PLAINTIFF CASE D CONDEMNATION CASES, US INVOLVED.	KING IS ONLY) SE THE LOCATION OF THE			
(c) Attorney's (Firm Name ANTHONY J. GINST 225, 106 TH AVENUE N BELLEVUE, WA 9800 425-462-8240	E	LODGER	13 2005	own)	•			
H. BASIS OF HIDISDICTION (Please W" - On Box Only)								
☐ 1 U.S. Government Plaintiff	X 3 Federal Question (U.S. Government)	1	For Diversity Cases Only) Citizen of This State	DEF 1				
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citize in Item III)	enship of Parties	Citizen of Another State		d Principal Place ☐ 5 ☐ 5 n Another State			
	in lasti iti)		Citizen or Subject of a Foreign Country	3 🗆 3 Foreign Nation	□ 6 □ 6			
IV. NATURE OF SUIT			PAREITIBE MENAY (FV	DANIEDUPTCV	OTHER CTATUTES			
CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle Product Liability 360 Other Personal Linjury CIVIL RIGHTS 441 Voting 442 Employment 443 Housing/ Accommodations 444 Welfare 440 Other Civil Rights	PRISONER PETITION 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandarnus & Other 550 Civil Rights 555 Prison Condition	-	□ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 840 Trademark SOCIAL SECURITY □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 863 DIWC/DIWW (405(g)) □ 864 SSID Title XVI	OTHER STATUTES 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities/Exchange 875 Customer Challenge 12 USC 3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determinationality of State Statutes 890 Other Statutory Actions			
V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY) Transferred from another district (specify) Appeal to District Judge from Magistrate								
Proceeding State Court Appellate Court Reopened Litigation Judgment VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.) FAIR LABORS STANDARD ACT 29 USC 201 ET SEQ.								
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTIO UNDER F.R.C.P. 23			DEMAND \$	CHECK YES only JURY DEMAND	if demanded in complaint:			
VIII. RELATED CASE(S) (See instructions): IF ANY JUDGE COUGHENOUR DOCKET NUMBER C02-1435C								
FOR OFFICE USE ONLY SIGNATURE OF ATTORNEY OF RECORD								
RECEIPT #	MOUN	APPI VING IFP	KIDGE	MAG IU	DGE			